IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MRS. JUSTICE K.HEMA

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

MFA.No. 1049 of 2002(A)

WCC.27/2000 of W.C.C.,ERNAKULAM
.....

APPELLANT: 2ND OPP.PARTY

NATIONAL INSURANCE COMPANY LTD.,
REGIONAL OFFICE, MUTHOOT TOWERS,
M.G.ROAD, KOCHI-11.

BY ADV. SRI.RAJAN P.KALIYATH

RESPONDENTS: APPLICANTS AND OPP.PARTY-1.
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1. LAKSHMI, W/O.LATE GOPALAN,
BHAVATHUPARAMBIL HOUSE,
PANAMBUKAD, VALLARPADAM POST,
KOCHI-31.

2. SHEELA, D/O.GOPALAN -DO-

3. SHIJU, D/O.GOPALAN, -DO-

4. THE MANAGING DIRECTOR, LINK INDIA
HOMES, M.G.ROAD, NEAR PADMA JUNCTION,
KOCHI-35.

BY ADV. SRI.K.G.SARATHKUMAR
SRI.JOJO BERNAD
SRI.S.SREEKUMAR

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.HEMA,JJ.

M.F.A.NO.1049 OF 20O2

Dated this the 7th day of September, 2007

JUDGMENT

Koshy, J.

The only contention pressed by the appellant Insurance Company is that the Commissioner went wrong in directing the Insurance Company to deposit the interest. Exhibit R1 is the policy. In the policy it is specifically stated that interest and penalty, if any, imposed shall be borne by the insured and insurance is only for the compensation amount. The policy was taken not because of statutory obligation, but it is only a contractual policy. As per the contract, the Insurance Company will not bear interest liability.

In the above circumstances, we make it clear that the liability of the Insurance Company is only to pay compensation. The interest amount can be realised from the employer.

The appeal is allowed.

J.B.KOSHY, JUDGE

K.HEMA, JUDGE

vgs.

J.B.KOSHY & K.HEMA, J.

M.F.A.NO.1049 OF 2002

JUDGMENT

7.9.2007